

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 14 2016

UNITED STATES OF AMERICA

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§

BY
DEPUTY _____

V.

JOHNNY CAROL DENTON III (01)

EMILY NICOLE MAPLES (02)

ANDREW JONATHON HEARNSBERGER (03)

6:16CR 51 RC/JDL
JUDGE CLARK

SEALED

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

COUNT ONE

Violation: 21 U.S.C. § 846 (Conspiracy to
Distribute and Possess with Intent to Distribute
Heroin)

Beginning in or about August 2016, at a date unknown to the Grand Jury, and continuing thereafter through the date of this Indictment, in Gregg County, Texas, and in Smith County, Texas, in the Eastern District of Texas; and in Dallas County, Texas, in the Northern District of Texas; and elsewhere; **Johnny Carol Denton III, Emily Nicole Maples, and Andrew Jonathon Hearnberger**, Defendants herein, did knowingly and intentionally combine, conspire, confederate and agree together with each other and with others known and unknown to the Grand Jury, to knowingly and intentionally distribute and possess with intent to distribute a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in

violation of the laws of the United States, to wit, 21 U.S.C. § 841(a)(1) prohibiting the distribution and possession with intent to distribute heroin.

In violation of 21 U.S.C. § 846.

COUNT TWO

Violation: 21 U.S.C. § 846 (Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine)

Beginning in or about November 2016, at a date unknown to the Grand Jury, and continuing thereafter through the date of this Indictment, in Smith County, Texas, in the Eastern District of Texas; and in Dallas County, Texas, in the Northern District of Texas; and elsewhere; **Johnny Carol Denton III** and **Emily Nicole Maples**, Defendants herein, did knowingly and intentionally combine, conspire, confederate and agree together with each other and with others known and unknown to the Grand Jury, to knowingly and intentionally distribute and possess with intent to distribute at least 50 grams of methamphetamine, a Schedule II controlled substance, in violation of the laws of the United States, to wit, 21 U.S.C. § 841(a)(1) prohibiting the distribution and possession with intent to distribute methamphetamine.

In violation of 21 U.S.C. § 846.

COUNT THREE

Violation: 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Possession with Intent to Distribute and Distribution of Heroin and Aiding and Abetting)

On or about September 21, 2016, in Gregg County, Texas, in the Eastern District of Texas, **Andrew Jonathon Hearnberger**, Defendant herein, aided by others, did knowingly, intentionally, and unlawfully possess with intent to distribute and did distribute approximately 4.69 grams of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT FOUR

Violation: 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Possession with Intent to Distribute and Distribution of Heroin and Aiding and Abetting)

On or about October 4, 2016, in Gregg County, Texas, in the Eastern District of Texas, **Andrew Jonathon Hearnberger**, Defendant herein, aided by others, did knowingly, intentionally, and unlawfully possess with intent to distribute and did distribute approximately 10.54 grams of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT FIVE

Violation: 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Possession with Intent to Distribute Heroin and Methamphetamine and Aiding and Abetting)

On or about November 1, 2016, in Smith County, Texas, in the Eastern District of Texas, **Johnny Carol Denton III** and **Emily Nicole Maples**, Defendants herein, aided and abetted by one another, did knowingly, intentionally, and unlawfully possess with intent to distribute approximately 52 grams of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, and approximately 68 grams of methamphetamine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT SIX

Violation: 18 U.S.C. § 924(c) (Use, Carrying, and Possession of a Firearm in Furtherance of a Drug Trafficking Crime)

On or about November 1, 2016, in Smith County, Texas, in the Eastern District of Texas, **Johnny Carol Denton III** and **Emily Nicole Maples**, Defendants herein, did knowingly use, carry, and possess a firearm, to wit: a Glock 22, .40 caliber pistol, bearing serial number BLE021 US, during and in relation to and in furtherance of a felony drug trafficking crime for which they may be prosecuted in a court of the United States, that is possession with intent to distribute heroin, a Schedule I controlled substance, and possession with intent to distribute methamphetamine, a Schedule II controlled substance, a violation of 21 U.S.C. § 841(a)(1), as alleged in Count 5.

In violation of 18 U.S.C. § 924(c).

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 18 U.S.C. § 924(d)(1), 21 U.S.C. § 853,
and 28 U.S.C. § 2461

As the result of committing one or more of the foregoing offenses alleged in this Indictment, Defendants herein, shall forfeit to the United States pursuant to 18 U.S.C. § 924(d)(1), 21 U.S.C. § 853, and 28 U.S.C. § 2461 any property constituting, or derived from proceeds the persons obtained directly or indirectly, as the result of such violation; and any and all personal property used or intended to be used to commit the offense, including but not limited to the following:

Cash Proceeds

Approximately \$6,300.00 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the foregoing offenses alleged in this Indictment.

Conveyances

Seized from residence of Defendants **Johnny Carol Denton III** and **Emily Nicole Maples**:

a Glock 22, .40 caliber pistol bearing serial number BLE021 US
Assorted ammunition and magazine

Substitute Assets

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant —

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;

- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b)(1) and 21

U.S.C. § 853(p), to seek forfeiture of any other property of defendants up to the

value of the above forfeitable property, including but not limited to all property,

both real and personal, owned by defendants.

By virtue of the commission of the offenses alleged in this Indictment, any and all interest the Defendants have in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. § 924(d)(1), 21 U.S.C. § 853, and 28 U.S.C. § 2461.


Date: 12/14/16

A TRUE BILL,



FOREPERSON OF THE GRAND JURY

BRIT FEATHERSTON
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NOTICE OF PENALTY

COUNTS 1-5

Violation: 21 U.S.C. §§ 846 and 841(a)(1)

If less than 100 grams of a mixture or substance containing a detectable amount of heroin - not more than 20 years imprisonment, a fine not to exceed \$1,000,000, or both, and supervised release of at least 3 years.

Penalty: If more than 50 grams of actual methamphetamine - not less than 10 years nor more than life imprisonment, a fine not to exceed \$10,000,000, or both - supervised release of at least 5 years.

Special Assessment: \$100.00

COUNT 6

Violation:	18 U.S.C. § 924(c)
Penalty:	Imprisonment for not less than 5 years nor more than life which must be served consecutively to any other term of imprisonment, a fine not to exceed \$250,000, and supervised release of not more than 5 years.
Special Assessment:	\$100.00